

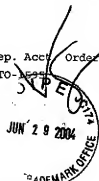
# **EXHIBIT A**

Docket No.: 5398-027-27 CONTBy: SBK/MY/klhPIPER RUDNICK No.: 311398-45Serial No.: 10/697,720In the Matter of the Application of: Stanley N. COHEN, et al.For: MAMMALIAN TUMOR SUSCEPTIBILITY GENES AND THEIR USES

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☐ \_\_\_\_\_ pp. Specification & \_\_\_\_\_ Claims/Drawings \_\_\_\_\_ Sheets  
☐ Combined Declaration, Petition & Power of Atty. (\_\_\_\_ Pages/Executed)  
☐ Utility Patent Application Transmittal  
☐ Continued Prosecution Application  
☐ Request for Continued Examination (RCE)  
☐ List of Inventors' Names and Addresses  
☒ Fee Transmittal  
☒ Check for \$ 740.00 ☐ Dep. Acct. Order Form  
☐ Assignment \_\_\_\_\_ pages (executed) ☐ PTO-Assign  
☐ Request for Priority  
☐ Priority Doc. ( )  
☐ White Advance Serial Number Postcard  
☐ Preliminary Amendment  
☐ Letter to Official Draftsman  
☐ Request for Approval of Proposed Drawing Changes  
☐ Drawings \_\_\_\_\_ sheets  
☒ Letter (Transmittal)  
☒ Notice To Comply (return copy)  
☒ Request for Extension of Time (4 month(s))  
☒ Response to Notice to Comply and Preliminary Amendment  
☐ List of Related Cases  
☐ Cited Documents ( )  
☐ \_\_\_\_\_ Search Report  
☐ Statement of Relevancy  
☐ Restriction Response ☐ Election Response  
☒ Computer Readable Sequence Listing (diskette)  
☒ Statement Under 37 C.F.R. § 1.821-1.825 (1 page, executed)  
☒ Substitute Sequence Listing (paper copy, 9 pages) (1 diskette)

Rev. 04/04

DUE DATE: June 30, 2004*dem*

PIPER RUDNICK LLP  
1200 NINETEENTH STREET, NW  
WASHINGTON, DC 20036-2412  
TELEPHONE: 202-861-3900  
FACSIMILE: 202-223-2085

DOCKET NO.: 5398-027-27 CONT

ASSISTANT COMMISSIONER FOR PATENTS  
PO BOX 1450  
ALEXANDRIA, VA 22313-1450

Re: Serial No.: 10/697,720  
Applicant(s): Stanley N. COHEN, et al.  
Filing Date: October 29, 2003  
For: MAMMALIAN TUMOR SUSCEPTIBILITY GENES AND THEIR  
USES  
Group Art Unit: 1642  
Examiner: Unassigned

SIR:

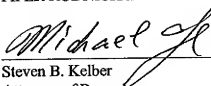
Attached hereto for filing are the following papers:

Fee Transmittal  
Request for Extension of Time (4 months)  
Notice to Comply (Return Copy)  
Response to Notice to Comply and Preliminary Amendment  
Statement Under 37 C.F.R. § 1.821-1.825 (1 page, executed)  
Substitute Sequence Listing (paper copy, 9 pages)  
Computer Readable Sequence Listing (diskette)

Our check in the amount of \$ 740.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary extension of time to make the filing of the attached documents timely, please charge or credit the difference to Deposit Account No. 50-1442. Further, if these papers are not considered timely filed, then a request is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

PIPER RUDNICK LLP

  
Steven B. Kelber  
Attorney of Record

Registration No.: 30,073

Michael Ye  
Registration No.: 47,195

# FEE TRANSMITTAL

Docket No. 5398-027-27 CONT  
 Serial No. 10/697,720  
 Filing Date October 29, 2003  
 Inventor(s) Stanley N. COHEN, et al.  
 Group Art Unit 1642  
 Examiner Unassigned

TOTAL AMOUNT OF PAYMENT \$740.00

1. ☒ Applicant claims small entity status.
- ☒ Charge any UNDERPAYMENT or credit any OVERPAYMENT in the indicated fees to Deposit Account No. 50-1442.
- ☐ Charge the indicated fees to Deposit Account No. 50-1442.

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

2. ☒ Check enclosed.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

\$0.00

#### 2. EXTRA CLAIM FEES

tot. claims		-	20*	=	0	x	\$9	=	0
ind. claims		-	3*	=	0	x	\$43	=	0
<input type="checkbox"/> Multiple Dependent Claims				=	\$145				

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	66	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	84	2204	43	*Reissue independent claims over original patent	
1205	18	2205	9	*Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

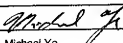
\$0.00

OTHER (Indicate below):

SUBTOTAL (3)

\$740.00

\* or number previously paid, if greater; For Reissues, see above

Name	Steven B. Kelber	Registration No.	30,073
Signature		Date	6-30-04
Name	Michael Ye	Telephone	202-861-3900
		Registration No.	47,195

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Stanley N. COHEN, et al.

ART UNIT: 1642

SERIAL NO.: 10/697,720

EXAMINER: Unassigned

FILING DATE: October 29, 2003

FOR: MAMMALIAN TUMOR SUSCEPTIBILITY GENES AND THEIR USES

**REQUEST FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136**

ASSISTANT COMMISSIONER FOR PATENTS

PO BOX 1450

ALEXANDRIA, VA 22313-1450

SIR:

It is hereby requested that a ☐ one ☐ two ☐ three ☒ four ☐ five

☐ second ☐ third ☐ fourth ☐ fifth (a \_\_\_\_-month extension and fee having been filed on \_\_\_\_\_)

month extension of time be granted to June 30, 2004 for:

- ☐ filing a response to the Official Action dated:
- ☐ responding to the requirements in the Notice of Allowability dated:
- ☐ filing the Formal Drawings. The Issue Fee due has been timely filed.
- ☐ responding to the Notice to File Missing Parts of Application dated:
- ☐ filing a Notice of Appeal. A timely response to the final rejection, due has been filed.
- ☐ filing an Appeal Brief. A Notice of Appeal was filed on:
- ☒ responding to the Notice to Comply dated : December 30, 2003.

The required fee of \$740.00 is enclosed herewith by check and any further charges may be made against the Attorney of Record's Deposit Account No. 50-1442. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

PIPER RUDNICK LLP



Steven B. Kelber  
Registration No. 30,073  
Attorney of Record

1200 Nineteenth Street, N.W.  
Washington, D.C. 20036-2412  
Telephone No. (202) 861-3900  
Facsimile No. (202) 223-2085

Michael Ye  
Registration No. 47,195

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Stanley N. COHEN, et al.      ART UNIT: 1642  
SERIAL NO.: 10/697,720      EXAMINER: Unassigned  
FILING DATE: October 29, 2003  
FOR: MAMMALIAN TUMOR SUSCEPTIBILITY GENES AND THEIR USES

**RESPONSE TO NOTICE TO COMPLY AND PRELIMINARY AMENDMENT**

ASSISTANT COMMISSIONER FOR PATENTS  
PO BOX 1450  
ALEXANDRIA, VA 22313-1450

SIR:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed December 30, 2003, enclosed please find a Computer-Readable Sequence Listing (diskette) and Substitute Sequence Listing (paper copy), along with a statement that the contents of the paper and computer readable form are the same as set forth in 37 C.F.R. 1.821(f).

A Request for Extension of Time for four months is attached hereto and incorporated herein by reference, thereby extending the date for response from February 29, 2004 to June 30, 2004.

**PRELIMINARY AMENDMENT**

Prior to examination of the above-identified application, and to advance the prosecution thereof, please amend the above-referenced application in the following manner.

**IN THE SPECIFICATION**

After page 46, between the specification and the claims, please insert the enclosed paper copy of the Substitute Sequence Listing.

### REMARKS

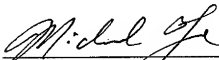
The specification has been amended by adding the attached Substitute Sequence Listing which replaces the Sequence Listing of record in parent Application 09/804,690, filed March 12, 2001. No new matter is believed to be added. Entry is respectfully requested.

### CONCLUSIONS

Applicants respectfully submit that in view of the foregoing amendment and remarks, the application is in condition for examination. Favorable consideration is respectfully requested.

Respectfully submitted,

PIPER RUDNICK LLP



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Steven B. Kelber  
Registration No. 30,073  
Attorney of Record

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Washington, D.C. 20036-2412  
Telephone No. (202) 861-3900  
Facsimile No. (202) 223-2085

Michael Ye  
Registration No. 47,195





## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/697,720	10/29/2003	Stanley N. Cohen	S93-160 CON2

CONFIRMATION NO. 3761

## FORMALITIES LETTER



\*OC000000011585019\*

Bertram I. Rowland, Esq.  
 Lumen Intellectual Property Services, Inc.  
 2nd Floor  
 2345 Yale Street  
 Palo Alto, CA 94306

Date Mailed: 12/30/2003

# NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

Y.G.

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Stanley N. COHEN, et al.

ART UNIT: 1642

SERIAL NO.: 10/697,720

EXAMINER: Unassigned

FILING DATE: October 29, 2003

FOR: MAMMALIAN TUMOR SUSCEPTIBILITY GENES AND THEIR USES

**STATEMENT UNDER 37 C.F.R. §1.821-1.825**

ASSISTANT COMMISSIONER FOR PATENTS

PO BOX 1450

ALEXANDRIA, VA 22313-1450

SIR:

I, Michael Ye, declare as follows:

1. That the contents of the attached paper copy of the sequence listing and the attached computer readable copy of the sequence listing submitted in accordance with 37 CFR 1.821(c) and (e), respectively, are the same in compliance with 1.821(f).
2. That the submission herein, filed in accordance with 37 CFR 1.821(g), does not include new matter.

Respectfully submitted,

PIPER RUDNICK LLP

6-30-04

Date

Michael Ye

Michael Ye  
Registration No. 47,195

1200 Nineteenth Street, N.W.  
Washington, D.C. 20036-2412  
Telephone No. (202) 861-3900  
Facsimile No. (202) 223-2085

## SEQUENCE LISTING

<110> Cohen, Stanley N.  
Li, Limin

<120> Mammalian Tumor Susceptibility Genes and Their Uses

<130> 5398-027-27CONT

<140> US 10/697,720

<141> 2003-10-29

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<151> 2001-03-12

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ggg aaa atc tac cta cct tat cta cat gac tgg aaa cat cca cgg tca Gly Lys Ile Tyr Leu Pro Tyr Leu His Asp Trp Lys His Pro Arg Ser 100 105 110	396
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aca gca aca ggg cca cca aat acc tcc tac atg cca ggc atg cca agt Thr Ala Thr Gly Pro Pro Asn Thr Ser Tyr Met Pro Gly Met Pro Ser 145 150 155 160	540
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Ile Asp Glu Val Ile Ile Pro Thr Ala Pro Leu Tyr Lys Gln Ile Leu
305 310 315 320

aat ctg tat gca gag gaa aat gct att gaa gac act atc ttt tac ctt 1068
Asn Leu Tyr Ala Glu Glu Asn Ala Ile Glu Asp Thr Ile Phe Tyr Leu
325 330 335

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Gly Glu Ala Leu Arg Arg Gly Val Ile Asp Leu Asp Val Phe Leu Lys
340 345 350

cac gtc cgc ctc ctg tcc cgt aaa cag ttc cag cta agg gca cta atg 1164
His Val Arg Leu Leu Ser Arg Lys Gln Phe Gln Leu Arg Ala Leu Met
355 360 365

caa aag gca agg aag act gcg ggc ctt agt gac ctc tac tgacatgtgc 1213
Gln Lys Ala Arg Lys Thr Ala Gly Leu Ser Asp Leu Tyr
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&lt;211&gt; 381

&lt;212&gt; PRT

&lt;213&gt; Artificial Sequence

&lt;220&gt;

&lt;223&gt; TSG101 amino acid

&lt;400&gt; 2

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Trp Leu Leu Asp Thr Tyr Pro Tyr Asn Pro Pro Ile Cys Phe Val Lys
65 70 75 80
Pro Thr Ser Ser Met Thr Ile Lys Thr Gly Lys His Val Asp Ala Asn
85 90 95
Gly Lys Ile Tyr Leu Pro Tyr Leu His Asp Trp Lys His Pro Arg Ser
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&lt;211&gt; 1494

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&lt;213&gt; Artificial Sequence

&lt;220&gt;

&lt;223&gt; primer

&lt;400&gt; 3

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&lt;210&gt; 4

&lt;211&gt; 390

&lt;212&gt; PRT

&lt;213&gt; Artificial Sequence

&lt;220&gt;

&lt;223&gt; primer

&lt;400&gt; 4

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Tyr Arg Asp Leu Thr Val Arg Glu Thr Val Asn Val Ile Thr Leu Tyr
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Lys Asp Leu Lys Pro Val Leu Asp Ser Tyr Val Phe Asn Asp Gly Ser
35 40 45
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50 55 60
Gly Asn Thr Tyr Asn Ile Pro Ile Cys Leu Trp Leu Leu Asp Thr Tyr
65 70 75 80
Pro Tyr Asn Pro Pro Ile Cys Phe Val Lys Pro Thr Ser Ser Met Thr
85 90 95
Ile Lys Thr Gly Lys His Val Asp Ala Asn Gly Lys Ile Tyr Leu Pro
100 105 110
Tyr Leu His Glu Trp Lys His Pro Gln Ser Asp Leu Leu Gly Leu Ile
115 120 125
Gln Val Met Ile Val Val Phe Gly Asp Glu Pro Pro Val Phe Ser Arg
130 135 140
Pro Ile Ser Ala Ser Tyr Pro Pro Tyr Gln Ala Thr Gly Pro Pro Asn
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Thr Ser Tyr Met Pro Gly Met Pro Gly Gly Ile Ser Pro Tyr Pro Ser
165 170 175
Gly Tyr Pro Pro Asn Pro Ser Gly Tyr Pro Gly Cys Pro Tyr Pro Pro
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Gly Gly Pro Tyr Pro Ala Thr Thr Ser Ser Gln Tyr Pro Ser Gln Pro
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Pro Val Thr Thr Val Gly Pro Ser Arg Asp Gly Thr Ile Ser Glu Asp
210 215 220
Thr Ile Arg Ala Ser Leu Ile Ser Ala Val Ser Asp Lys Leu Arg Trp
225 230 235 240
Arg Met Lys Glu Glu Met Asp Arg Ala Gln Ala Glu Leu Asn Ala Leu
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Lys Arg Thr Glu Glu Asp Leu Lys Lys Gly His Gln Lys Leu Glu Glu
260 265 270
Met Val Thr Arg Leu Asp Gln Glu Val Ala Glu Val Asp Lys Asn Ile
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290 295 300
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Ala Ile Glu Asp Thr Ile Phe Tyr Leu Gly Glu Ala Leu Arg Arg Gly
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Val Ile Asp Leu Asp Val Phe Leu Lys His Val Arg Leu Leu Ser Arg  
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